

UNITED STATES OF AMERICA  
Before The  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

Complaint on Post E.C.S.

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Docket No. C99-1

OFFICE OF THE CONSUMER ADVOCATE  
WITHDRAWAL OF INTERROGATORIES  
OCA/USPS-1, 2, 3(b), 4(e-f), and 6  
(July 22, 1999)

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The Office of the Consumer Advocate (OCA) hereby withdraws interrogatories OCA/USPS-1, 2, 3(b), 4(e-f), and 6,<sup>1</sup> but reserves the right to re-file these interrogatories in a subsequent phase of this proceeding if the Commission determines in the first phase that it has jurisdiction over Post E.C.S.

P.O. Ruling No. C99-1/3<sup>2</sup> provides that: "This proceeding shall be considered in phases, with the first phase limited to the issue of whether Post E.C.S. is a postal service for purposes of Chapter 36 of Title 39."<sup>3</sup> A corollary of this determination is that: "In the first phase of this case, discovery can be limited to matters bearing on the

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<sup>1</sup> The Postal Service filed an objection to these interrogatories on July 8, 1999.

<sup>2</sup> "Presiding Officer's Ruling Granting in Part Motion of United States Postal Service for Partial Reconsideration of Presiding Officer's Ruling No. C99-1/2 and Establishing Special Rules of Practice," issued July 7, 1999.

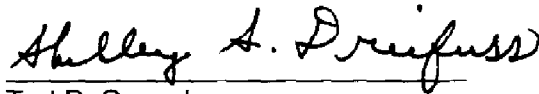
<sup>3</sup> *Id.* at 7.

'postal' aspects of Post E.C.S., with discovery on more commercially sensitive topics deferred until later."<sup>4</sup>

Using this statement as a guide to permissible discovery requests, OCA concludes that the interrogatories to which the Postal Service has objected are better suited to a subsequent phase of the proceeding since they do not focus solely on jurisdictional issues. Therefore, OCA withdraws interrogatories OCA/USPS-1, 2, 3(b), 4(e-f), and 6, but reserves the right to re-file them in a later phase of this docket if the Commission finds that it does have jurisdiction over Post E.C.S.

Respectfully submitted,

OFFICE OF THE CONSUMER ADVOCATE



Ted P. Gerarden  
Director

Shelley S. Dreifuss  
Attorney

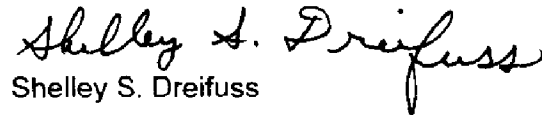
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<sup>4</sup>

*Id.* at 3.

# CERTIFICATE OF SERVICE

I hereby certify that, on behalf of the Office of the Consumer Advocate, I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

  
Shelley S. Dreifuss

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